

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	MM Docket No. 00-245
FM Broadcast Stations.)	RM-9971
(Alberta and Dinwiddie, Virginia,)	RM-10185
Whitakers and Garysburg, North Carolina))	RM-10186

ORDER TO SHOW CAUSE

Adopted: December 12, 2001

Released: December 21, 2001

By the Chief, Allocations Branch:

1. The Allocations Branch has before it the Counterproposal filed by Garysburg Radio in response to the Notice of Proposed Rule Making in this proceeding, 15 FCC Rcd 24136 (2000). The Counterproposal involves allotting Channel 276A to Garysburg, North Carolina, and substituting Channel 299A for Channel 276A at Alberta, Virginia. This Counterproposal conflicts with the license held by MainQuad Broadcasting, Inc. ("MainQuad") for Station WSMY-FM, Channel 276A, at Alberta, Virginia and the petition for rulemaking filed by MainQuad that requested the substitution of Channel 276C3 for Channel 276A at Alberta, the reallocation of Channel 276C3 from Alberta to Whitakers, North Carolina, and the allotment of Channel 299A to Alberta as a replacement for Channel 276A. For the reasons discussed below, we are issuing this Order to Show Cause directed to MainQuad, the licensee of Station WSMY-FM, Alberta, Virginia.

2. In order to proceed with our analysis of the Counterproposal and the ultimate resolution of this proceeding, it is first necessary to issue this Order to Show Cause directed to MainQuad to show cause why its Station WSMY-FM license should not be modified to specify operation on Channel 299A in lieu of Channel 276A at Alberta. Section 316(a) of the Communications Act of 1934, as amended, permits us to modify a license or construction permit if such action is in the public interest. Section 316(a) requires that we notify the affected stations of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules. See Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act, 2 FCC Rcd 3327 (1987). In this instance, the substitution of Channel 299A for Channel 276A at Alberta, Virginia, will accommodate the allotment of Channel 276A to Garysburg, North Carolina and the provision of a first local aural transmission service to Garysburg, while retaining the only local aural transmission for Alberta. We consider this change in channels for Station WSMY-FM, Alberta, Virginia, to have sufficient public interest benefits to justify the issuance of a show cause order.

3. The Station WSMY-FM license at Alberta can be modified to specify operation on Channel

299A at its currently authorized transmitter site.¹ Garysburg Radio has agreed to reimburse MainQuad for the reasonable costs incurred in connection with the change of the Station WSMY-FM channel.

4. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, MainQuad Broadcasting, Inc., licensee of Station WSMY-FM, Alberta, Virginia, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 299A in lieu of Channel 276A.

5. Pursuant to Section 1.87 of the Commission's Rules, MainQuad Broadcasting, Inc. may, no later than February 11, 2002, file a written statement showing with particularity why its construction permit should not be modified as proposed in this Order to Show Cause. The Commission may call upon the licensee to furnish additional information. If the licensee raises a substantial and material question of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the licensee will be deemed to have consented to a modification as proposed in this Order to Show Cause and a final Order will be issued if the modification is found to be in the public interest.

6. IT IS FURTHER ORDERED, That a copy of this Order to Show Cause shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

John M. Pelkey, Esq.
Garvey, Schubert & Barer
5th Floor, 1000 Potomac St., N.W.
Washington, D.C. 20007
(Counsel for Station WSMY-FM)

7. For further information concerning this proceeding, contact R. Barthen Gorman, Mass Media Bureau, (202) 418-2180,

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

¹ The reference coordinates for Channel 276A at Alberta, Virginia, are 36-52-2 NL and 77-53-31 WL.